

**CITY COMMISSION MEETING  
MAY 16, 2011  
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION: National Public Works Week May 15-21, 2011  
Accepting: Public Works Director Allen Tusing

PRESENTATION: Mrs. Joyce Lawson presented Chief Wells with 40 quilts that she, her husband, Martin Lawson, and daughter have made for the police officers to distribute to children. Chief Wells commended Mr. and Mrs. Lawson for the time they volunteer to the Palmetto Police Department.

Swearing-in of all persons intending to address City Commission.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the May 16, 2011 7:00 PM Agenda.**

2. CONSENT AGENDA APPROVAL

**A) CITY CLERK'S OFFICE**

1. Minutes: May 2, 2011
2. Special Function Permit: 5<sup>th</sup> Annual Mopar Madness Car & Truck Show
3. Budget Resolution No. 2011-17  
Haben Blvd. LAP Agreement: Record CRA funding and establishment of the expense budget
4. Kirk Pinkerton litigation billing: Walsh
5. Bryant Miller Olive legal billing

**B) PUBLIC WORKS**

1. First Amendment to the Southwest Florida Water Management District

Reclaimed Water ASR Project (L608) to extend the agreement to June 30, 2014.

2. Southwest Florida Water Management District Cooperative Agreement for the Palmetto Estuary Preserve Habitat Restoration Project Phase II (W364)

Items B1 and 2A2 were removed for discussion.

**MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the Consent Agenda, as amended with the removal of items B1 and 2A2.**

Item B1: Mr. Tusing estimated the well could be completed by September, 2012. The design is proceeding, with a simultaneous application for renewal of the permit.

Item 2A2: Staff confirmed that the necessary insurance will be provided before the event.

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 5-0 to approve item B1 and item 2A2, contingent upon receipt of the required insurance certificate.**

### 3. CRA DISTRICT CONCEPTUAL MAP

Discussion continued from the 4:30 workshop meeting. Mayor Bryant acknowledged inconsistencies between the two maps, stating that both the map and its financial aspects would be brought back to the Commission before final approval of the ordinance expanding the CRA District is approved.

Mr. Burton explained that churches were added to the map to even out the CRA boundary, rather than have the boundary run through the middle of church-owned properties. He discussed ways church-owned property could be developed to benefit the City. Attorney Barnebey confirmed that CRA funds can't be used directly to support renovation of a church. He is researching a proposed constitutional amendment that would revoke the Blaine Amendment.

Mr. Burton informed Commission the CRA Advisory Board has recommended the conceptual map, as well as the first portion of the revised CRA Plan, recommending the CRA powers. Additional sub-plans will be reviewed by the CRA Advisory Board in the near future. Commission and CRA Board approval of the CRA Plan is necessary before the next budget is adopted. Discussion ensued on the CRA Plan approval process. Mr. Burton was asked to provide the proposed CRA Plan with enough time for the Commissioners to be able to study the material before its review in a public meeting.

It was consensus of Commission to remove Lincoln Middle School and the Green Bridge from the map, to look at adding the northern gateway commercial areas and main thoroughfares of the City. An updated map will be brought back at the next meeting, together with information on its financial impact.

Mr. Burton briefly discussed projects the CRA is undertaking. He will provide Commission with a written report.

Mayor Bryant recessed the City Commission meeting at 7:45 p.m. to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:05 p.m.

### 4. APRIL CHECK REGISTER (Informational purposes only)

### 5. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Attorney Barnebey reported due diligence continues on the property north of 17<sup>th</sup> St. He also reported conversations are being held with property owners of alternative sites. The current inspection period agreement expires June 5, 2011, but the Mayor has the authority to extend the time or terminate the property agreement. If additional funds are necessary during any time extension after June 5, 2011, an emergency meeting will be called.

#### 6. ASR WELL UPDATE

Mr. Tusing reported Public Works is currently taking water samples to aid in the design of the well.

#### 7. DEPARTMENT HEADS' COMMENTS

##### Mr. Tusing

Reported Ward 1 Phase II sanitary sewer & stormwater installation will begin soon and an updated schedule is coming from the contractor.

##### Mr. Freeman

Department heads will receive their working budget packet this week. Commission will receive the proposed FY2012 budget in July.

The new City Hall lighting will be LED bulbs. He will meet individually with Commission to review staff's light pole choice.

##### Chief Wells

Thanked the Mayor and Commission, on behalf of the police department, for the proclamation. Mayor Bryant commended Chief Wells on his presentation at the memorial event.

##### Attorney Barnebey

Introduced Sam Morris, working with his firm.

It is anticipated the Personnel Manual will be brought to a workshop next month.

The Rutledge property issue will be brought to the next meeting to request authority to file a foreclosure. It is a very complicated issue and there are several tax deeds that will survive the City's lien. In the meantime, staff is attempting to find a party that is responsible for the property.

The Amicus Brief (code enforcement liens) has been certified to the Supreme Court; a notice of appearance is being filed.

Briefly discussed the growth management legislation eliminating transportation, parks and school concurrency from the Statute. The City's Comprehensive Plan will require the school and parks concurrency remain in effect until it is amended. Also discussed was the impact of the bill that was passed regarding the inability of a City to prohibit the discharge of a firearm.

#### 8. MAYOR'S REPORT

Reminded Commission that their thoughts on strategic planning were requested by the Finance Department.

Reported she had attended the memorial service for James Craft, a 15-year employee. A tree will be placed in the Tree Walk.

Reported on the Fiesta Mexicana event she attended on Sunday that was attended by Telemundo and ESPN. She also attended the Palmetto High School rowing team fundraising event and reported McDonald's pledged 10% of their proceeds to the team.

The Marauders organization has again contacted the City about a Palmetto Day. She suggested that the proceeds from ticket sales be pledged to the rowing team this year, and next year to the Little League. Information will be provided to Commission.

Commended FPL for the home rehabilitation project, as well as taking care of some other issues in the community. She also mentioned a team of students from Manatee School of the Arts participating in the Adopt-A-Road program.

She commented on the successful demolition of the motel, but stated the site still needs attention. Mr. Freeman will speak with code enforcement.

#### 9. COMMISSIONERS' COMMENTS

Ms. Varnadore

A report back on community meeting will be provided Commission.

Mr. Zirkelbach

Reported he will not be able to attend the June 1st Water Alliance meeting.

Mr. Williams

No report.

Ms. Cornwell

There were no reported issues from the Cinco de Mayo event.

Requested Chief Wells contact Palmetto Elementary School regarding its year-end closing.

Requested a report from Attorney Barnebey on what his expectations are regarding the impact the union will have on the police budget.

Mrs. Lancaster

No report.

Mr. Tusing reported the Building Official is retiring June 6, but will stay until June 10<sup>th</sup>. An interim building official will be hired as a contract employee, at a flat hourly rate, until the position is advertised and a replacement chosen. He will continue to work with Manatee County regarding the position, but Manatee County is expecting the city to implement its fee schedule to finance the possible operation.

Reported a Safe Route to Schools grant application has been submitted to try to get a new sidewalk grid into Palmetto Elementary.

Meeting adjourned 8:35 p.m.

Minutes approved: June 6, 2011

*James R. Freeman*

James R. Freeman  
City Clerk